

LFC Requester:**Theresa Rodgers**

**AGENCY BILL ANALYSIS
2016 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Date 1/8/2016

Original ☒ **Amendment** ☐

Bill No: HB 83

Correction ☐ **Substitute** ☐

Sarah Maestas Barnes and

Sponsor: Rod Montoya

Agency Code: 305

Short Increased Certain DWI

Person Writing Jeres S. Rael, AAG

Title: Penalties

Phone: 505-629-9131 **Email** jrael@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY16	FY17	FY18		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY16	FY17	FY18	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Relationship: HB 46

Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

This analysis is neither a formal Attorney General's Opinion nor an Attorney General's Advisory Letter. This is a staff analysis in response to an agency's, committee's, or legislator's request.

Synopsis:

HB 83 increases the penalties for vehicular homicide/great bodily harm (Section 66-8-101, NMSA) and for fourth and subsequent driving while intoxicated ("DWI") convictions (Sections 66-8-102 (G-J), NMSA). Additionally, HB 83 adds a new eighth or subsequent conviction tier (the previous maximum tier was seventh or subsequent).

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

HB 83 is a DWI sentencing enhancement bill. HB 83 in effectuating DWI sentencing enhancements adds an eighth or subsequent conviction tier on top of the previous maximum tier of seventh or subsequent conviction. This bill adds additional jurisdiction to allow longer sentences for repeat offenders and protect the public. The table below summarizes the enhancements;

	Current			HB 83		
	Mandatory Imprisonment	Jurisdiction	Felony Degree	Mandatory Imprisonment	Jurisdiction	Felony Degree
Veh. Homicide/GBH		6 yrs.	3rd		15 yrs.	2nd
4th DWI Conv.	6 months	18 months	4th	18 months	30 months	4th
5th DWI Conv.	12 months	24 months	4th	24 months	36 months	4th
6th DWI Conv.	18 months	30 months	3rd	30 months	42 months	3rd
7th DWI Conv.	24 months	36 months	3rd	36 months	48 months	3rd
8th DWI Conv.	Does Not Exist	Does Not Exist	Does Not Exist	10 yrs.	12 yrs.	2nd

*5th and 7th convictions converted to months from years for comparison purposes

*Jurisdiction is the length of imprisonment that may be ordered by the court

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relationship: HB 46

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

AMENDMENTS

N/A